

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OYSTER HR, INC.,

Plaintiff,

24-cv-2302 (PKC)

-against-

ORDER

ETeAM, INC.,

Defendant.

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CASTEL, U.S.D.J.

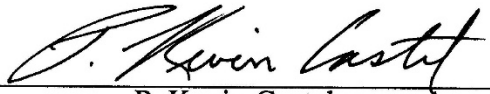
The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte.

Subject matter jurisdiction is premised on diversity of citizenship, 28 U.S.C. § 1332. (Compl’t ¶ 9.) “It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record.” Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc., 87 F.3d 44, 47 (2d Cir. 1996). “It is axiomatic that diversity jurisdiction is available only when all adverse parties to a litigation are completely diverse in their citizenships.” Washington Nat’l Ins. Co. v. OBEX Grp. LLC, 958 F.3d 126, 133 (2d Cir. 2020) (quotation marks omitted). “[A] corporation is a citizen of the state in which it has its principal place of business and every state in which it has been incorporated.” Id.; see also 28 U.S.C. § 1332(c)(1) (“a corporation shall be deemed to be a citizen . . . of the State or foreign state where it has its principal place of business . . .”).

Plaintiff Oyster HR, Inc. is alleged to be a Delaware corporation “with a registered address” in Delaware. (Compl’t ¶ 3.) The Complaint does not allege Oyster’s principal place of business but states that it has “no formal headquarters.” (Compl’t ¶ 3.)

Within fourteen days of this Order, plaintiff shall file an Amended Complaint that properly alleges the citizenship of Oyster, including its principal place of business, or, failing that, the action will be dismissed for want of subject matter jurisdiction.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
April 2, 2024